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In re Application of  
CUEVAS SANCHEZ  
Application No. 10/588,166  
PCT No.: PCT/ES05/70017  
Int. Filing Date: 16 February 2005  
Priority Date: 17 February 2004  
Atty. Docket No.: U 016423-6  
For: Use Of 2,5 - Dihydroxybenzenesulphonic  
Acid In The Production Of Medicaments  
For The Treatment of Angiodependent  
Diseases Such As Cancer And Psoriasis

DECISION

This is with regard to the declaration filed on 18 April 2007.

BACKGROUND

This international application was filed on 16 February 2005, claimed an earlier priority date of 17 February 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 25 August 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 17 August 2006. On 02 August 2006, applicants filed *inter alia* the basic national fee.

On 10 April 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors and a surcharge under 37 CFR 1.492(e).

DISCUSSION

Inspection of the declaration filed on 18 April 2007 reveals that it nominates four inventors whose names do not appear on the published international application. Specifically, the inventors at issue are Antonio Romero Garrido, Guillermo Gimenez Gallego, Serafin Valverde Lopez and Rosa Maria Lozano Puerto. Applicants do not appear to have furnished evidence that these inventors were added to the international application pursuant to PCT Rule 92bis. Therefore, treatment under 37 CFR 1.497(d) is appropriate. A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (See 37 CFR 3.73(b)). See Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.). The instant declaration was not accompanied by any of these elements. Therefore, the declaration cannot be accepted under 37 CFR 1.497(d) at this time.

### CONCLUSION

The declaration filed on 18 April 2007 is **NOT ACCEPTED**, without prejudice.

Applicant is required to file a response within **TWO (2) MONTHS** of the mailing date of this decision, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this international application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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